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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,321	07/01/2004	Anthony G. Warren	47230-23A	4320
23971	7590	08/21/2007		
BENNETT JONES C/O MS ROSEANN CALDWELL 4500 BANKERS HALL EAST 855 - 2ND STREET, SW CALGARY, AB T2P 4K7 CANADA			EXAMINER BARTOSIK, ANTHONY N	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/710,321

Applicant(s)

WARREN ET AL.

Examiner

Anthony N. Bartosik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on July 1, 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "36" and "38" have both been used to designate "upper surface." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "34" has been used to designate both "lower surface" and lapping ledges." Additionally, reference character "38" has been used to designate both "upper surface" and "panel." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

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labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 7 is objected to because of the following informalities: claim 7 is further dependent from claim 5; however, it appears that claim 7 should be properly dependent from claim 6. Since claim 5 does not contain reinforcing fibers as referenced in claim 7 it is therefore objected to. For examination purposes claim 7 is assumed to depend from claim 6. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 is dependent from claim 2, which specifies that the rigid honeycomb core is comprised of a substantially plastic composition, however, the materials listed in claim 5 are not comprised of a substantially plastic composition (i.e. metal). Claim 5 is therefore rejected under 35 U.S.C. 112, second paragraph.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-3, 8-14, 16, and 18-19 rejected under 35 U.S.C. 102(b) as being anticipated by Seaux et al. (US 2003/0113162 A1).**

8. In Re claim 1, Figures 3, 4, and 7 as well as paragraphs 25, 29, and 48 of Seaux et al. disclose a panel (20) having an upper (21) and a lower surface (22) and at least three sides, at least one of the sides includes a wedged shaped edge (28); a rigid honeycomb core (12) between the upper (21) and lower surface (22), a continuous layer (18) surrounding the honeycomb core (12); and one or more connector means (90) located on at least one side of the panel (20).

9. In Re claim 2, Figure 6 of Seaux et al. discloses a rigid honeycomb core (12) that is substantially hollow.

10. In Re claim 3, paragraph 27 of Seaux et al. discloses a rigid honeycomb core (12) that is comprised of a substantially plastic composition.

11. In Re claim 8, Figure 3 of Seaux et al discloses at least two adjacent sides of the panel each comprising a wedge-shaped edge (28).

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12. In Re claim 9, Figure 3 of Seaux et al. discloses one wedge-shaped edge (28) that descends from the top to the bottom of the panel (20), and an adjacent wedgeshaped edge (28) that ascends from the bottom to the top of the panel (20).

13. In Re claim 10, Figure 10 and paragraph 61 on page 6 of Seaux et al. disclose a connector means (90) that is located on each side of the panel (20) that comprises a wedge-shaped edge (28).

14. In Re claim 11, Figure 10 and paragraph 61 on page 6 of Seaux et al. disclose a connector means (90) that is selected from a group consisting of apertures, screw fastener, a removable rivet, a clip, a buckle, a clasp, **a clamp**, a brace, a grip, a bolt, a screw, a lock, a nail, and hook and loop fasteners.

15. In Re claim 12, Figure 10 and paragraph 61 on page 6 of Seaux et al. disclose a connector means (90) that is located on each side of the panel (20) that comprises a wedge-shaped edge (28).

16. In Re claim 13, Figure 10 and paragraph 61 on page 6 of Seaux et al. disclose a connector means (90) that is selected from a group consisting of apertures, screw fastener, a removable rivet, a clip, a buckle, a clasp, **a clamp**, a brace, a grip, a bolt, a screw, a lock, a nail, and hook and loop fasteners.

17. In Re claim 14, paragraph 27 of Seaux et al. discloses a substantially continuous layer that is coated with a coating selected from a group consisting of **slip resistant coatings**, chemical resistant coatings, fire resistant coatings, color coatings, anti-static coatings, and any combination thereof. Examiner is considering the overmolding of a

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thin layer of traction promoting material disclose in Seaux et al. to be the slip resistant coating of claim 14.

18. In Re claim 16, Figure 3 of Seaux et al. discloses each side of the panel (20) comprising a wedged shaped edge (28) and wherein one wedge-shaped edge (28) descends from the top to the bottom of the panel (20) and an adjacent wedge-shaped edge (28) ascends from the bottom to the top of the panel (20).

19. In Re claim 18, Figures 3, 4, and 7 as well as paragraphs 25, 29, and 48 of Seaux et al. disclose a panel (20) having an upper surface (21) and a lower surface (22), wherein the upper (21) and lower (22) surfaces are offset relative to one another such that the upper surface forms a lower peripheral extension (28) and the lower surface forms an upper peripheral extension (28) and wherein the panel (20) is surrounded by a substantially continuous layer (18); a substantially hollow rigid honeycomb core (12) between the upper (21) and lower (22) surface; and one or more connector means (90) located on at least one side of the panel (20).

20. In Re claim 19, paragraph 27 of Seaux et al. discloses a rigid honeycomb core (12) that is comprised of a substantially plastic composition.

### ***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**22. Claims 4-7, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seaux et al. (US 2003/0113162 A1).**

23. In Re claim 4, Seaux et al. discloses the claimed invention except for the plastic composition being polypropylene thermoplastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to specify polypropylene thermoplastic, since it has been held to be within the general skill of a worker in the art to select a know material on the basis of its suitability for intended use as a know matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

24. In Re claim 5, Seaux et al. discloses the claimed invention except for rigid honeycomb core being made from material selected from a group consisting of metal, resin reinforced paper, fiberglass, and wood. It would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the honeycomb core from one of the above mentioned materials, since it has been held to be within the general skill of a worker in the art to select a know material on the basis of its suitability for intended use as a know matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

25. In Re claim 6, Seaux et al. discloses the claimed invention except for the substantially continuous layer being comprised of reinforcing fibers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use reinforcing fibers as a material for the continuous layer, since it has been held to be within the general skill of a worker in the art to select a know material on the basis of its



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suitability for intended use as a know matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

26. In Re claim 7 and 20, Seaux et al. discloses the claimed invention except for reinforcing fibers being selected from a group consisting of fiberglass, carbon fiber, aramid fiber, and any combination thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was choose one of the above mentioned groups as a material for the reinforcing fibers, since it has been held to be within the general skill of a worker in the art to select a know material on the basis of its suitability for intended use as a know matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

27. In Re claim 15, Figures 3, 4, and 7 as well as paragraphs 25,29, and 48 of Seaux et al. teach a panel (20) having an upper surface (21) and a lower surface (22), and side edges surrounding and extending between the upper surface (21) and the lower surface (22), at least two adjacent sides of the panel form a wedge-shaped edge (28); a substantially hollow honeycomb core (12) between the upper (21) and lower surface (22) formed of a substantially plastic composition; a continuous surrounding layer (18) and one or more connector means (90) located on each side of the panel on the wedge-shaped edges (28). Seaux et al. discloses the claimed invention except for reinforcing fibers being selected from a group consisting of fiberglass, carbon fiber, aramid fiber, and any combination thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was choose one of the above mentioned groups as a material for the reinforcing fibers, since it has been held to be within the general skill of

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a worker in the art to select a know material on the basis of its suitability for intended use as a know matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

28. **Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seaux et al. (US 2003/0113162 A1) in view of Kim (US 7,094,976 B2).** Seaux has taught all of elements of claim 17 except that the panel included a stress-strain sensor. Kim teaches the use of a stress strain sensor on a load bearing structure, that structure being a road. Kim teaches using the sensor as a manner in which to check for overweight vehicles to prevent damage to the roadway. Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the temporary roadways of Seaux et al. to include a stress-strain sensors by using the teachings of Kim, in order to check for overweight vehicles.

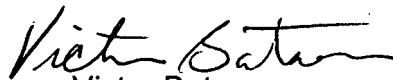
### ***Conclusion***

Prior art made of record but not relied upon is considered pertinent to applicant's disclosure. Needham (US 5,776,582), Switzgable (US 3,070,196), Springston et al. (US 4,629,358), Needham et al. (US 5,888,612), Webster et al. (US 2002/0192024 A1), Seaux et al. (US 6,695,527). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony N. Bartosik whose telephone number is 2723600. The examiner can normally be reached on M-F 7:30-5:00; Alter Fri Off E.D.T.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Batson Victor can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit 3600

AB  
8/2007